

117TH CONGRESS  
1ST SESSION

# H. R. 2815

To amend title XVIII of the Social Security Act to provide for a temporary payment increase under the Medicare program for certain biosimilar biological products to encourage the development and use of such products.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2021

Mr. SCHRADER (for himself and Mr. KINZINGER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for a temporary payment increase under the Medicare program for certain biosimilar biological products to encourage the development and use of such products.

1       *Be it enacted by the Senate and House of Representa-  
2       tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Bolstering Innovative  
5       Options to Save Immediately on Medicines Act” or the  
6       “BIOSIM Act”.

1   **SEC. 2. TEMPORARY INCREASE IN MEDICARE PART B PAY-**  
2                   **MENT FOR CERTAIN BIOSIMILAR BIOLOGI-**  
3                   **CAL PRODUCTS.**

4       Section 1847A(b)(8) of the Social Security Act (42  
5   U.S.C. 1395w-3a(b)(8)) is amended—

6               (1) by redesignating subparagraphs (A) and  
7       (B) as clauses (i) and (ii), respectively, and moving  
8       the margin of each such redesignated clause 2 ems  
9       to the right;

10          (2) by striking “PRODUCT.—The amount” and  
11       inserting the following: “PRODUCT.—

12               “(A) IN GENERAL.—Subject to subpara-  
13       graph (B), the amount”; and

14               (3) by adding at the end the following new sub-  
15       paragraph:

16               “(B) TEMPORARY PAYMENT INCREASE.—

17               “(i) IN GENERAL.—In the case of a  
18       qualifying biosimilar biological product  
19       that is furnished during the applicable 5-  
20       year period for such product, the amount  
21       specified in this paragraph for such prod-  
22       uct with respect to such period is the sum  
23       determined under subparagraph (A), ex-  
24       cept that clause (ii) of such subparagraph  
25       shall be applied by substituting ‘8 percent’  
26       for ‘6 percent’.

1                         “(ii) APPLICABLE 5-YEAR PERIOD.—

2                         For purposes of clause (i), the applicable  
3                         5-year period for a biosimilar biological  
4                         product is—

5                         “(I) in the case of such a product  
6                         for which payment was made under  
7                         this paragraph as of December 31,  
8                         2021, the 5-year period beginning on  
9                         January 1, 2022; and

10                         “(II) in the case of such a prod-  
11                         uct for which payment is first made  
12                         under this paragraph during a cal-  
13                         endar quarter during the period be-  
14                         ginning January 1, 2022, and ending  
15                         December 31, 2026, the 5-year period  
16                         beginning on the first day of such cal-  
17                         endar quarter during which such pay-  
18                         ment is first made.

19                         “(iii) QUALIFYING BIOSIMILAR BIO-  
20                         LOGICAL PRODUCT DEFINED.—For pur-  
21                         poses of this subparagraph, the term  
22                         ‘qualifying biosimilar biological product’  
23                         means a biosimilar biological product de-  
24                         scribed in paragraph (1)(C) with respect to  
25                         which—

1                         “(I) in the case of a product de-  
2                         scribed in clause (ii)(I), the average  
3                         sales price is not more than the aver-  
4                         age sales price for the reference bio-  
5                         logical product; and

6                         “(II) in the case of a product de-  
7                         scribed in clause (ii)(II), the wholesale  
8                         acquisition cost is not more than the  
9                         wholesale acquisition cost for the ref-  
10                         erence biological product”.

